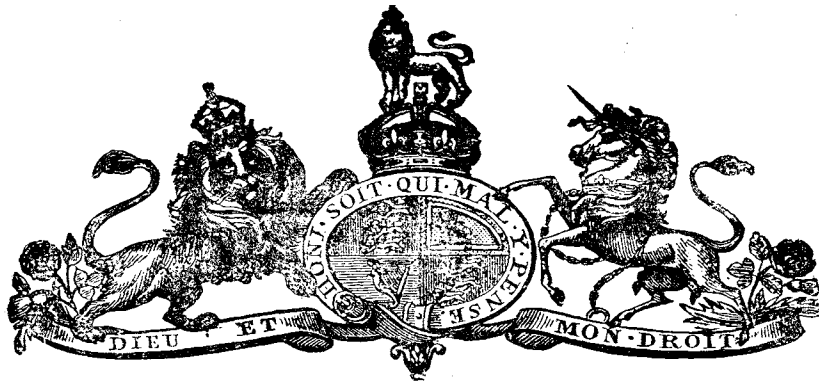


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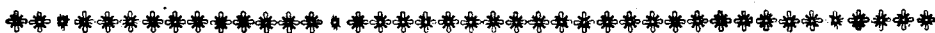
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No. 3.

ANALYSIS.

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| <ul style="list-style-type: none"> Preamble. 1. Short title. 2. Interpretation. 3. Treasurer may advance moneys to the Company. 4. Provisions relating to debentures. | <ul style="list-style-type: none"> 5. Further security. 6. Rebate of freights. 7. Bills of Sale Act and Stamp Acts not to apply to debentures and securities for the same. |
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AN ACT to authorise a Loan to "The Tas-^{A.D.} 1908.
 manian Smelting Company, Limited," and
 for other purposes. [21 August, 1908.]

WHEREAS the Tasmanian Smelting Company, Limited (herein-^{PREAMBLE.}
 after called "the Company," which expression shall also include its
 successors and assigns), was duly incorporated in *England*, and
 registered in *Tasmania* under the provisions of "The Foreign Com- 59 Vict. No. 17-
 panies Act: "

And whereas the Company has established smelting works in the
 vicinity of *Zeehan*, in *Tasmania*, and has erected at very considerable
 cost buildings, plant, and machinery in connection with such works,
 and has carried on smelting operations for several years :

And whereas the carrying on of such smelting operations has proved
 of great public and local advantage, and of great benefit to the
 4d.]

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inhabitants of *Zeehan* and the surrounding districts, and to the companies and persons engaged in mining in such places :

And whereas the Company was recently compelled to discontinue smelting operations, and to close the said smelting works :

And whereas the Company has applied to the Government of *Tasmania* for a loan of a sum of Twenty thousand Pounds, which sum the Government has, subject to the approval of Parliament, agreed to lend to the Company upon the terms and conditions hereinafter appearing :

And whereas the Company has in consideration of such agreement raised additional capital to the amount of Ten thousand Pounds by borrowing the same from certain persons on security of debentures issued or to be issued subject to the provisions of this Act, and has resumed smelting operations at the said works, and has expended certain sums of money in the purchase and erection of additional plant and machinery :

And whereas it is expedient that the Government should be empowered to give effect to such agreement, and to lend a sum of Twenty thousand Pounds to the Company upon the terms and conditions herein set forth, and that other provision should be made for assisting the Company in manner hereinafter appearing :

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

Short title.

1 This Act may be cited as “The Tasmanian Smelting Company's Loan Act, 1908.”

Interpretation.

2 In this Act, unless the contrary intention appears—

“The Company's property” means the land demised by the Crown to the Company by the special lease or leases issued under the provisions of “The Tasmanian Smelting Company, Limited, Leases Act, 1900,” and the said special lease or leases, and all rights and privileges thereunder, and all the buildings, smelting works, furnaces, machinery, and plant erected, or which may hereafter be erected, upon the land so demised as aforesaid, together with all other the real and leasehold property of the Company in *Tasmania* :

“Debenture” includes debenture stock and certificate for debenture stock ; and “debenture-holder” shall include debenture stock holder :

“The Treasurer” means the Treasurer for the time being of the State of *Tasmania*.

Treasurer may
advance moneys
to the Company.

3—(1.) It shall be lawful for the Treasurer, in the name and on behalf of His Majesty, and out of moneys to be provided by Parliament for the purpose, to advance by way of loan to the Company the sum of Twenty thousand Pounds.

(2.) Upon the receipt by the Company of the said sum of Twenty thousand Pounds, the Company shall deliver or transfer to the

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Treasurer, or as he shall direct, for the use of His Majesty, debentures for an amount equal in face value to the said sum of Twenty thousand Pounds. A.D. 1908.

4 The following provisions shall apply to the debentures issued by the Company for the purposes of this Act:—

Provisions relating to debentures.

- i. The issue of the debentures shall be for the sum of Thirty thousand Pounds, bearing interest at the rate of Four Pounds per centum per annum, payable half-yearly. Of these debentures, Twenty thousand Pounds' worth shall be delivered or transferred to the Treasurer as hereinbefore provided, and Ten thousand Pounds' worth shall be delivered or transferred to the persons from whom the sum of Ten thousand Pounds has been borrowed as hereinbefore recited. All the debentures shall rank *pari passu*:
- ii. The interest shall accrue from the date of the receipt by the Company of the consideration for the respective debentures:
- iii. The debentures shall be secured by a first mortgage of the Company's property, and such mortgage shall contain all usual clauses for the forfeiture and sale of the Company's property if default be made in the payment of the principal and interest moneys secured by the said debentures and mortgage respectively, and in addition shall contain a provision that if at any time prior to the said debentures being fully redeemed the smelting operations of the Company are discontinued for a period of Three months the Treasurer may, by notice in the *Gazette*, require the Company to resume and continuously carry on smelting operations within a time to be limited by the Treasurer in the notice; and if the Company fail to resume and continuously carry on smelting operations within the time limited, or such further time as the Treasurer may permit, then all moneys owing at that time upon the said debentures shall immediately become payable by the Company; and if the Company shall fail to make such payment forthwith, then the security constituted by such mortgage shall immediately become enforceable:
- iv. The Company shall not be at liberty to create any mortgage or charge over the Company's property ranking in priority to or *pari passu* with the debenture-holders' security:
- v. The debentures shall be redeemed at par by the Company by annual instalments of Three thousand Pounds each. The Company shall redeem Three thousand Pounds' worth of debentures on the First day of *October*, One thousand nine hundred and eleven, and Three thousand Pounds' worth of debentures on the First day of *October* in each succeeding year until the whole shall be redeemed. Of the debentures so redeemed in each year, Two thousand Pounds' worth shall be debentures delivered or transferred to the Treasurer, and One thousand Pounds' worth shall be

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debentures delivered or transferred to persons other than the Treasurer:

vi. Redeemed debentures shall not be reissuable.

Further security.

5 In addition to the security given by the said debentures, and notwithstanding anything contained in any former Act, the said sum of Thirty thousand Pounds shall, until repayment, be and remain a first charge upon the Company's property in priority to all mortgages, charges, liens, and encumbrances whatsoever, and in priority to all other liabilities of the Company, but subsequent to any tax or rent payable to the Crown in respect of the Company's property and to any rate payable to any local authority having jurisdiction in the area in which the Company's property is situated.

Rebate of freights.

6—(1.) For a period of Two years after the commencement of this Act, a rebate shall be made in the amount which would otherwise be payable by the Company for the carriage of all ore, bullion, coke, timber, firewood, plant, machinery, and other goods for the Company upon the Government railways, and upon all terminal and other railway charges payable by the Company to the Government.

(2.) The amount of such rebate shall be equal to Thirty-five per centum upon the rates and charges now payable by the Company upon similar goods, but shall not exceed the sum of Three thousand five hundred Pounds in either of the said Two years.

(3.) An account shall be kept of the amount of such rebate, and shall be settled by the Company and the General Manager of Railways once in every Three months. If any difference arises at any time between the Company and the said General Manager as to the amount of such rebate, such difference shall be settled by the Minister for Railways for the time being of *Tasmania*.

(4.) If in any year after the commencement of this Act any surplus profits shall remain to the Company after provision has been made for the depreciation of and renewals to the Company's property, and after interest at the rate of Five Pounds per centum per annum has been paid upon the capital of the Company, such surplus profits shall be applied by the Company towards repaying to the Government the whole or part of the total amount of such rebate so made as aforesaid.

Bills of Sale Act and Stamp Acts not to apply to debentures and securities for the same.

64 Vict. No. 70.

7 Nothing in "The Bills of Sale Act, 1900," shall apply, or be deemed to have applied, to any debentures issued or to be issued by the Company for the purposes of this Act, nor to any trust deed, mortgage deed, or other deed or instrument for securing any such debentures, nor shall any such debentures, nor any such trust deed, mortgage deed, or other deed or instrument, be subject to any stamp duty now or hereafter imposed by any Act of the Parliament of *Tasmania*.